

Ramsey, Leanna (RMD) (FBI)

From: 33815-42744725@requests.muckrock.com
Sent: Wednesday, February 22, 2017 8:00 AM
To: FOIPARRequest
Subject: Freedom of Information Request: Nitze FBI

February 22, 2017
 Federal Bureau of Investigation
 Federal Bureau of Investigation
 Attn: FOI/PA Request
 Record/Information Dissemination Section
 170 Marcel Drive
 Winchester, VA 22602-4843

To Whom It May Concern:

This is a request under the Freedom of Information Act. I hereby request the following records:

Records relating to or mentioning Paul Henry Nitze (January 16, 1907 – October 19, 2004), who was a high-ranking United States government official who helped shape Cold War defense policy over the course of numerous presidential administrations.

Proof of death: This individual is listed as dead in the FBI's Dead List, which also confirms the existence of the file. Per FBI standards and regulations, an FBI file is acceptable proof of death. For your convenience, a copy of the list may be found at <https://archive.org/details/FBIRIDsDeadList2015>

Please conduct a search of the Central Records System, including but not limited to the ELSUR Records System, the Microphone Surveillance (MISUR) Indices, the Physical Surveillance (FISUR) Indices, and the Technical Surveillance (TESUR) Indices, for both main-file records and cross-reference records for all relevant names, individuals, agencies and companies. If any potentially responsive records have been destroyed and/or transferred to NARA, then I request copies of the destruction or transfer slips as well as any other documentation relating to, mentioning or describing said transfer or destruction, to include but not be limited to confirmation that the Bureau has no other copies of said records (as the Bureau has posted copies of records that it previously said were transferred to NARA such as the Tokyo Rose file).

I am a member of the news media and request classification as such. I have previously written about the government and its activities for AND Magazine, MuckRock and Glomar Disclosure and have an open arrangement with each. My articles have been widely read, with some reaching over 100,000 readers. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through the non-profit Internet Archive, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance. Additionally, case law states that "proof of the ability to disseminate the released information to a broad cross-section of the public is not required." *Judicial Watch, Inc. v. Dep't of Justice*, 365 F.3d 1108, 1126 (D.C. Cir. 2004); see *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). Further, courts have held that "qualified because it also had 'firm' plans to 'publish a number of . . . 'document sets'" concerning United States foreign and national security

policy." Under this criteria, as well, I qualify as a member of the news media. Additionally, courts have held that the news media status "focuses on the nature of the requester, not its request. The provision requires that the request be "made by" a representative of the news media. Id. § 552(a)(4)(A)(ii)(II). A newspaper reporter, for example, is a representative of the news media regardless of how much interest there is in the story for which he or she is requesting information." As such, the details of the request itself are moot for the purposes of determining the appropriate fee category. As such, my primary purpose is to inform about government activities by reporting on it and making the raw data available and I therefore request that fees be waived. Per DOJ FOIA guidance, "a requester should be granted a fee waiver if the requested information (1) sheds light on the activities and operations of the government; (2) is likely to contribute significantly to public understanding of those operations and activities; and (3) is not primarily in the commercial interest of the requester." As this FOIA meets all of those requirements (see above), a fee waiver is warranted.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Michael Best

Filed via MuckRock.com

E-mail (Preferred): 33815-42744725@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock

DEPT MR 33815

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

